

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BENJAMIN JUSTIN BROWNLEE,
Plaintiff

Case No.: 1:23-cv-00376-JLT-HBK (PC)

V.

J. BURNES, *et al.*,

Defendant(s).

ORDER SETTING SETTLEMENT CONFERENCE AND SETTLEMENT CONFERENCE PROCEDURES

Pre-settlement call: 6/10/2025 at 1:30 p.m.

Settlement Conference: 6/17/2025
at 1:00 p.m. via Zoom Videoconference

Plaintiff Benjamin Justin Brownlee is proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. A settlement conference was previously ordered and is set to occur on June 17, 2025.

Accordingly, it is **ORDERED** that:

1. The Court sets a **telephonic** pre-settlement conference for **June 10, 2025, at 1:30 p.m.** Defense counsel shall email Magistrate Erica Grosjean's courtroom deputy at fnavarro@caed.uscourts.gov for the phone number and access code. Defense counsel shall arrange for Plaintiff's participation. The Court will also issue a writ of *habeas corpus ad testificandum* to allow for Plaintiff's participation, as appropriate.
2. A settlement conference is scheduled to occur on **June 17, 2025, at 1:00 p.m.**, before the undersigned, via Zoom videoconference. Defense counsel shall arrange for

1 Plaintiff's participation. Prior to the conference, defense counsel shall email
2 Magistrate Erica Grosjean's courtroom deputy at fnavarro@caed.uscourts.gov for the
3 Zoom videoconference connection information. The Court will also issue a writ of
4 *habeas corpus ad testificandum* to allow for Plaintiff's participation, as appropriate.

5 3. Each party or a representative with full authority to negotiate and enter into a binding
6 settlement agreement shall participate in the conference. The failure of any counsel,
7 party, or authorized person subject to this order to participate in the conference may
8 result in the imposition of sanctions.

9 4. Consideration of settlement is a serious matter that requires thorough preparation prior
10 to the settlement conference. Participants in the conference must be prepared to
11 discuss the claims, defenses, and damages.

12 5. If settlement is not achieved informally, the parties shall submit confidential
13 settlement conference statements no later than **June 3, 2025**. Defendants shall email
14 their statement to epgorders@caed.uscourts.gov. Plaintiff shall mail his statement,
15 clearly captioned "Confidential Settlement Conference Statement," to United States
16 District Court, Attn: Magistrate Judge Erica Grosjean, 2500 Tulare Street, Room 1501,
17 Fresno, CA 93721. Once the parties have submitted their statements, they shall file a
18 "Notice of Submission of Confidential Settlement Conference Statement" with the
19 court. The confidential settlement conference statements themselves **should not be**
20 **filed with the court nor served** on the opposing party.

21 6. The confidential settlement conference statements should be no longer than 5 pages in
22 length and include:
23 a. A brief summary of the facts of the case;
24 b. A brief summary of the claims and defenses of the case, *i.e.*, the statutory,
25 constitutional, or other grounds upon which the claims are founded;
26 c. A forthright discussion of the strengths and weaknesses of the case and an
27 evaluation of the likelihood of prevailing on the claims or defenses, from the
28 party's perspective, and a description of the major issues in dispute;
29 d. An estimate of the party's expected costs and time to be expended for further

discovery, pretrial matters, and trial;

- e. A summary of past settlement discussions, including the informal settlement negotiations required above; a statement of the party's current position on settlement, including the amount the party would offer and accept to settle (in specific dollar amounts); and a statement of the party's expectations for settlement discussions;
- f. An estimate of any restitution allocated to Plaintiff, or other financial obligation assigned to Plaintiff, that would affect the parties' settlement discussions;
- g. A list of the individuals who will be attending the conference on the party's behalf, including names and, if appropriate, titles; and,
- h. If a party intends to discuss the settlement of any other actions or claims not raised in this suit, a brief description of each action or claim, including case number(s), as applicable.

IT IS SO ORDERED.

DATED: May 21, 2025

/s/ Eric P. Gross
UNITED STATES MAGISTRATE JUDGE